



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,158	04/23/2001	Hirokazu Kawamoto	03560.002785.	1598
5514 7590 08/20/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER RUDOLPH, VINCENT M				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
08/20/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/839,158

**Applicant(s)**

KAWAMOTO ET AL.

**Examiner**

Vincent Rudolph

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 43,45,49,51,73,74,77,78,81,82 and 84-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43,45,49,51,73,74,77,78,81,82 and 84-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 43, 49, 73, 77, 81-82 and 84-86 rejected under 35 U.S.C. 102(e) as being anticipated by Han (Pub. # 20030103237).

Regarding claim 43, Han (Pub. # 20030103237) discloses an information processing apparatus (computer, **See Figure 1, Element 100**) capable of communicating with a printing apparatus (printing unit, **See Figure 1, Element 200**), such that the information processing apparatus include a setting means (embodied within the computer) for setting, via a GUI in the information processing apparatus (shown in the display device, **See Figure 2, Element 128**), a first mode with a single print-out format for single print job (normal mode for printing is selected, **See Figure 5B; Page 2, Paragraph 0038**), or a second mode with a plurality of different print-out formats for single print data (presentation and normal mode for outputting the single data, **See Figure 5C; Page 2, Paragraph 0035**), producing means (embodied within the computer) for producing a print job to be printed by the printing apparatus according with the mode set with the print job including a command part describing a group of job

commands and print data part describing print data by a print language (print data in either the first mode, **See Page 2, Paragraph 0038**, or the second mode, **See Page 2, Paragraph 0035**), sending means (embodied within the computer) for sending the print job produced to the printing apparatus (sends a control signal for the printing operation within the printer, **See Page 2, Paragraph 0028**), wherein, in the second mode, the group of job commands includes a print control command for enabling the printing apparatus to execute a printing operation of the multiple of different print-out formats from the single print data described in the print data part (the multiple parts are selected and enabled accordingly in order to allow the printing unit prints the data, **See Page 2, Paragraph 0035**), and wherein, in the printing apparatus, the printing operation for the print-out format is executed from the single print data for a print job produced according with the first mode (the data is printed in the printing unit, **See Page 2, Paragraph 0030**, such that the normal mode is selected for outputting, **See Page 2, Paragraph 0038**), and the printing operation for the multiple different print-out formats is executed from the single print data for a print job produced according to the second mode (the data is printed in the printing unit, **See Page 2, Paragraph 0030**, such that the presentation / normal mode is selected for outputting, **See Page 2, Paragraph 0035**).

Regarding claim 73, Han (Pub. # 20030103237) discloses an information processing apparatus (computer, **See Figure 1, Element 100**) capable of producing a print job to be printed by a printing apparatus (prints the data according to the format selected by the user, **See Page 2, Paragraph 0030**), such that print job includes a command part and a print data part (the print job includes the print data and the

selected format for transmitting to the printer, **See Page 2, Paragraph 0030**), the information processing apparatus includes a user interface means (embodied within the computer) for setting a first print setting and a second print setting from the information processing apparatus so that the printing apparatus can output the print data part included in one print job in a first output format and in a second output format, respectively (sets to output the data in either normal mode, **See Page 2, Paragraph 0038**, and the presentation / normal mode, **See Page 2, Paragraph 0035**), setting means (embodied within the computer) for setting a first print control command to specify the first output format based on the first print setting and a second print control command to specify the second output format based on the second print setting to the command part included in the print job so that the printing apparatus can output the print data part included in the print job in the first output format and in the second output format, respectively (set either the normal mode to be selected for outputting, **See Page 2, Paragraph 0038**, or the presentation / normal mode to be selected for outputting, **See Page 2, Paragraph 0035**, wherein either includes the print data and the format accordingly, **See Page 2, Paragraph 0030**), producing means (embodied within the computer) for producing a print job to be printed by the printing apparatus according with the mode set with the print job including a command part describing a group of job commands and print data part describing print data by a print language (print data in either the first mode, **See Page 2, Paragraph 0038**, or the second mode, **See Page 2, Paragraph 0035**), sending means (embodied within the computer) for sending the print job produced to the printing apparatus (sends a control signal for the printing operation

within the printer, **See Page 2, Paragraph 0028**) wherein, in the printing apparatus, a printing operation of the first output format based on the first print setting and a printing operation of the second output format based on the second print setting are executed by using the print data part of the same print job (the printing unit completes the print job for the print data using the selected format as set by the user, **See Page 2, Paragraph 0030**).

Regarding claim 84, Han (Pub. # 20030103237) discloses a printing system (**See Figure 1**) that includes an information processing apparatus (computer, **See Figure 1, Element 100**) and a printing apparatus (printing unit, **See Figure 1, Element 200**), such that the information processing apparatus and the printing apparatus are connected through a communication medium (over an interface, **See Figure 1, Element 122**), wherein the information processing apparatus includes a user interface means (embodied within the computer) for setting a first print setting and a second print setting from the information processing apparatus so that the printing apparatus can output the print data part included in one print job in a first output format and in a second output format, respectively (sets to output the data in either normal mode, **See Page 2, Paragraph 0038**, and the presentation / normal mode, **See Page 2, Paragraph 0035**), setting means (embodied within the computer) for setting a first print control command to specify the first output format based on the first print setting and a second print control command to specify the second output format based on the second print setting to the command part included in the print job so that the printing apparatus can output the print data part included in the print job in the first output format and in the second

output format, respectively (set either the normal mode to be selected for outputting, **See Page 2, Paragraph 0038**, or the presentation / normal mode to be selected for outputting, **See Page 2, Paragraph 0035**, wherein either includes the print data and the format accordingly, **See Page 2, Paragraph 0030**), producing means (embodied within the computer) for producing a print job to be printed by the printing apparatus according with the mode set with the print job including a command part describing a group of job commands and print data part describing print data by a print language (print data in either the first mode, **See Page 2, Paragraph 0038**, or the second mode, **See Page 2, Paragraph 0035**), sending means (embodied within the computer) for sending the print job produced to the printing apparatus (sends a control signal for the printing operation within the printer, **See Page 2, Paragraph 0028**), and wherein the printing apparatus includes a receiving means (embodied within the printing unit) for receiving the one print job including the command part and the print data part from the information processing apparatus (receives the print data along with the selected format from the computer, **See Page 2, Paragraph 0030**), interpreting means (embodied within the printing unit) for interpreting the command part included in the one print job (interprets the format decided by the user sent from the computer, **See Page 2, Paragraph 0030**), producing means (embodied within the printing unit) for producing the print image data from the print data part included in the one print job according to the interpretation of the command data (feeds the paper according to the format selected, **See Page 2, Paragraph 0030**), and a printout performing means (embodied within the printing unit) for performing a printout on a printing medium based on the print image data produced

(provides the data to the selected feeding area of the printing unit, **See Page 2, Paragraph 0031**), such that the producing means produces the print image data of the first output format from the print data part by the interpretation for the first print setting included in the command part, and produces the print image data of the second output format from the print data part by the interpretation for the second print setting included in the command part (the printing unit completes the print job for the print data using the selected format as set by the user, **See Page 2, Paragraph 0030**).

Regarding claims 49, 77 and 85, the rationale provided in the rejection of claims 43, 73 and 84 is incorporated herein. In addition, the apparatus of claims 43 and 73 and the printing system of claim 84 corresponds to the method of claims 49, 77 and 85 and performs the steps disclosed herein.

Regarding claim 81, Han (Pub. # 20030103237) discloses a computer readable medium storing a control program for implementing the method (RAM, **See Figure 2, Element 114**).

Regarding claims 82 and 86, the rationale provided in the rejection of claim 81 is incorporated herein. In addition, the method of claim 81 corresponds to the method of claims 82 and 86 and performs the steps disclosed herein.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



Claims 45 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han (Pub. # 20030103237) in view of Al-Kazily ('589).

Regarding claim 45, Han (Pub. # 20030103237) does not disclose a plurality of different print-out formats includes one format, such that one page is printed out on one sheet and another format in which a plurality of pages are printed on one sheet

Al-Kazily ('589) discloses that the plurality of different print-out formats includes one format, such that one page is printed out on one sheet (such as duplex printing), and another format in which a plurality of pages are printed on one sheet (n-up printing, which allows a user to output multiple pages onto one page on one sheet, **See Col. 1, Line 54**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include selecting different formats on different pages, such as the one disclosed within Al-Kazily ('589), and incorporate it into the apparatus of Han (Pub. # 20030103237) because it allows the user to specify certain pages that are to be outputted together onto a single page as well as ones that are only to be outputted onto a single page rather than being able to select from only one option.

Regarding claim 51, the rationale provided in the rejection of claim 45 is incorporated herein. In addition, the apparatus of claim 45 corresponds to the method of claim 51 and performs the steps disclosed herein.

Claims 74 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han (Pub. # 20030103237) in view of Livingston ('632).

Regarding claim 74, Han (Pub. # 20030103237) does not disclose that the first output format and the second output format are different N-up layout printings.

Livingston ('632) discloses that the first output format and second output format are different N-up layout printings (different N-up layout for the preset class, **See Col. 8, Line 21-54**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include different N-up layout printings multiple output formats, such as the one disclosed within Livingston ('632), and incorporate it into the apparatus of Han (Pub. # 20030103237) because it allows the user to select any specific pages that are to be outputted as a single page and combine several others to have them outputted onto a single page rather than having to select from one option or the other.

Regarding claim 78, the rationale provided in the rejection of claim 74 is incorporated herein. In addition, the apparatus of claim 74 corresponds to the method of claim 78 and performs the steps disclosed herein.

#### ***Response to Arguments***

Applicant's arguments, filed 5/15/2009, with respect to the rejection of claims 43, 45, 49, 51, 73, 77, 81-82 and 84-86 under Al-Kazily as well as claims 74 and 78 under Al-Kazily in view of Livingston have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Han as well as Han in combination with Al-Kazily and Han in combination with Livingston. As a result, the prior art of Han, Han in

view of Al-Kazily and Han in view of Livingston is used and together does meet each limitation of the amended claims as disclosed within the rejection above.

Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is: Gillihan ('262), Miyake ('490) and Robinson (Pub. # 20020080402).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Rudolph whose telephone number is (571) 272-8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vincent Rudolph  
Examiner  
Art Unit 2625

/Vincent Rudolph/  
Examiner of Art Unit 2625

/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625